

U.S. Application No. 09/539,972  
Attorney Docket No. 99-837 RCE 3  
Customer No. 32,127

### REMARKS

In the Final Office Action<sup>1</sup> ("OA") mailed November 3, 2005, the Examiner rejected claims 1, 3, and 16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,532,241 to Ferguson et al. ("*Ferguson*") in view of U.S. Patent No. 6,163,544 to Andersson et al. ("*Andersson*") and further in view of U.S. Patent No. 6,297,823 to Bharali et al. ("*Bharali*"); and rejected claims 4-8, 17, and 18 under 35 U.S.C. § 103(a) as unpatentable over *Ferguson*, *Andersson*, and *Bharali* as stated above, and further in view of U.S. Patent No. 5,926,463 to Ahearn et al. ("*Ahearn*"). The Examiner also rejected claims 1, 3-8, and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,549,940 to Allen et al. ("*Allen*") in view of *Andersson* and further in view of *Bharali*.

By this amendment, Applicants cancel claims 7 and 8, add new claims 19-23, and amend claims 1, 3-6, 16, and 17. Claims 1, 3-6, 16, 17, and 19-23 are pending in this application. In view of the following remarks, Applicants respectfully traverse the Examiner's rejections of the claims under 35 U.S.C. § 103(a).

To establish a prima facie case of obviousness, three basic criteria must be met. First, the prior art reference or references as modified must teach or suggest all the claim elements. (See M.P.E.P. 2143.03 (8<sup>th</sup> ed. 2001)). Second, there must be some suggestion or motivation, either in the references or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

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reference teachings. (See M.P.E.P. 2143 (8<sup>th</sup> ed. 2001)). Third, a reasonable expectation of success must exist. Moreover, each of these requirement must "be found in the prior art, and not be based on applicant's disclosure." (M.P.E.P. 2143.03 (8<sup>th</sup> ed. 2001)).

First, the Examiner rejected claims 1, 3, and 16 under 35 U.S.C. § 103(a) as unpatentable over *Ferguson* in view of *Andersson* and further in view of *Bharali*. Claim 1 has been amended to incorporate limitations of canceled claim 7. With respect to claim 7, the Examiner admitted that *Ferguson* in view of *Andersson*, further in view of *Bharali*, and further in view of *Ahearn* does not teach or suggest "storing the new network component information in a temporary database; comparing the temporary database with a generic information model database," and "modifying the generic information model database according to comparison rules," as recited in claim 7. (OA at page 6, ¶8.) The Examiner then stated, in an apparent Official Notice, that "it is suggested by the prior art that it would have been obvious to one of ordinary skill in the art to modify the system of Ahearn, [Bharali,] Andersson and Ferguson to provide for a temporary database and modifying the permanent database according to comparison rules to avoid the unnecessarily caveat of modifying the database." (OA at page 6, ¶8.)

Applicants agree with the Examiner that *Ferguson* in view of *Andersson*, further in view of *Bharali*, and further in view of *Ahearn* does not teach or suggest "storing the new network component information in a temporary database; comparing the temporary database with a generic information model database," and "modifying the generic information model database according to comparison rules," as recited in claim 7.

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With respect to claim 7, the Examiner did not fully address the elements recited in claim 7, other than to generally conclude that "it would have been obvious to one of ordinary skill in the art to modify the system of Ahearn, [Bharali,] Andersson and Ferguson." (OA at page 6, ¶8.) As M.P.E.P. § 2144.03(B) makes clear,

there must be some form of evidence in the record to support an assertion of common knowledge ... general conclusions concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection. ... The examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge. The applicant should be presented with the explicit basis on which the examiner regards the matter as subject to official notice and be allowed to challenge the assertion in the next reply after the Office action in which the common knowledge statement was made

(emphasis added, internal citations omitted). Applicants respectfully submit that the Examiner's general conclusions are not sufficient to support a rejection under 35 U.S.C. § 103(a). Applicants request that the Examiner provide documentary evidence, supported with sound technical and scientific reasoning, teaching each and every element of Applicants' claims. For at least these additional reasons, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 1, which incorporates limitations recited in canceled claim 7, under 35 U.S.C. § 103(a) as being unpatentable over *Ferguson* in view of *Andersson*, further in view of *Bharali*, and further in view of *Ahearn*.

Accordingly, *Ferguson* in view of *Andersson* and further in view of *Bharali* does not disclose, teach, or suggest "receiving device access information for accessing at least one component in a network; collecting new network component information from the at least one component based on the device accessing information; storing the new

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network component information in a temporary database; comparing the temporary database with a generic information model database," and "modifying the generic information model database according to comparison rules," as recited in amended claim 1.

The Examiner uses *Bharali* to allege a disclosure of a "customer record contain[ing] heterogeneous network components which support a specific service for the customer." (OA at pages 3-4.) *Bharali* discloses a visualization tool which allows a user to visualize a network connection between a computer and a server. (*Bharali* col. 4, ll. 3-5.) The visualization tool in *Bharali* initiates gathering of network connectivity data, such as the distance (or number of hops) to a server, by sending a page request to a server. (*Bharali* col. 4, ll. 54-56; col. 4, ll. 64-66; col. 5, ll. 17-25; figs. 3 and 4.) However, the visualization tool in *Bharali* merely determines the number of hops between a computer and a server without determining or distinguishing the types of network components that span the computer and the server (*Bharali* col. 6, ll. 13-56; figs. 2A, 2B, and 4), and does not teach or suggest "receiving component access information for accessing at least one component in a network; collecting new network component information from the at least one component based on the component access information; storing the new network component information in a temporary database; comparing the temporary database with a generic information model database," and "modifying the generic information model database according to comparison rules," as recited in claim 1. Therefore, *Bharali* fails to cure the deficiencies of *Ferguson* and *Andersson*, either taken separately or in combination.

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Independent claims 3 and 16, although of different scope, include recitations similar to those of claim 1. Thus, they are allowable over *Ferguson* in view of *Andersson* and further in view of *Bharali*, for at least the reasons discussed above with respect to claim 1.

With regard to the Examiner's rejections of claims 4-6 and 17 under 35 U.S.C. 103(a) as unpatentable over *Ferguson* in view of *Andersson*, further in view of *Bharali*, and further in view of *Ahearn*, Applicants respectfully traverse these rejections as well.

Independent claim 17, although of different scope, include recitations similar to those of claim 1, which, as discussed above, is not taught by *Ferguson*, *Andersson*, and *Bharali*, either taken separately or in combination. Applicants respectfully submit that *Ahearn* is not sufficient to overcome the deficiencies of *Ferguson*, *Andersson*, and *Bharali*. *Ahearn* discloses "a method and apparatus for viewing a configuration of a computer network" (*Ahearn* abstract). Devices in the network may be "graphically displayed according to physical connectivity and status." (*Ahearn* abstract.) A network supervisor may use the system to create an "IP view of a network" that "shows all of the devices and links between a particular workstation and a particular server." (*Ahearn* col. 6 lines 23-33; fig. 1.) However, merely displaying devices in a network does not teach or suggest "receiving component access information for accessing at least one component in a network" and "collecting new network component information from the at least one component based on the component access information; storing the new network component information in a temporary database; comparing the temporary database with the permanent database; modifying the permanent database according to comparison rules," as recited in claim 17. Therefore, claim 17 is allowable not only for

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the reasons stated above with regard to claim 1, but also for its own additional features that distinguish it from *Ferguson, Andersson, Bharali, and Ahearn*.

Moreover, dependent claims 4-6 are allowable not only for the reasons stated above with regard to their allowable base claim 3, but also for their own additional features that distinguish them from *Ferguson, Andersson, Bharali, and Ahearn*.

Next, the Examiner rejected claims 1, 3-8, and 16-18 under 35 U.S.C. 103(a) as unpatentable over *Allen* in view of *Andersson* and further in view of *Bharali*. As noted above, claim 1 has been amended to incorporate limitations recited in canceled claim 7. With respect to claim 7, the Examiner alleged that *Allen* in view of *Andersson* and further in view of *Bharali* inherently discloses each and every element of claim 7 (OA at page 8, ¶11.) Applicants respectfully disagree.

*Allen* discloses a graphical user interface ("GUI") for displaying communication circuits information and/or customer data information related to search criteria input by a user. (*Allen* abstract.) *Allen* provides the user the capability to, for example, enter "one of several options corresponding to the information known by the user" (*Allen* col. 20, lines 52-61; fig. 27) to generate a "display of SONET [synchronous optical network] layout." (*Allen* col. 20 line 61-col. 21 line 3; figs. 28 and 29.) However, the "display of SONET layout" related to search criteria in *Allen* does not constitute "receiving component access information for accessing at least one component in a network; collecting new network component information from the at least one component based on the component access information; storing the new network component information in a temporary database; comparing the temporary database with a generic information model database," and "modifying the generic information model database according to

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comparison rules," as recited in claim 1. Therefore, *Allen* does not teach each and every element of claim 1.

The Examiner uses *Andersson* to allege a disclosure of storing information according to a generic information model. As discussed above, *Andersson* does not teach or disclose "receiving component access information for accessing at least one component in a network; collecting new network component information from the at least one component based on the component access information; storing the new network component information in a temporary database; comparing the temporary database with a generic information model database," and "modifying the generic information model database according to comparison rules," as recited in claim 1. Accordingly, *Allen* in view of *Andersson* does not disclose, teach, or suggest each and every element of claim 1.

The Examiner uses *Bharali* to allege a disclosure of a "customer record contain[ing] heterogeneous network components which support a specific service for the customer." (OA at pages 8.) As discussed above, *Bharali* does not teach or suggest a "receiving component access information for accessing at least one component in a network; collecting new network component information from the at least one component based on the component access information; storing the new network component information in a temporary database; comparing the temporary database with a generic information model database," and "modifying the generic information model database according to comparison rules," as recited in claim 1. Therefore, *Bharali* fails to cure the deficiencies of *Allen* and *Andersson*, either taken separately or in combination.

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Because claims 3, 16, and 17 are independent claims with recitations similar to those of claim 1, they are allowable over *Allen* in view of *Andersson* and further in view of *Bharali*, for at least the reasons discussed above with respect to claim 1.

Furthermore, dependent claims 4-6 are allowable not only for the reasons stated above with regard to their allowable base claim 3, but also for their own additional features that distinguish them from *Allen*, *Andersson*, and *Bharali*.



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**CONCLUSION**

In view of the foregoing remarks, Applicants submit that this claimed invention, is neither anticipated nor rendered obvious in view of the cited art. Applicants therefore request the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 07-2347.

Respectfully submitted,

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I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the United States Patent Office at 571-273-8300.

Dated: May 3, 2006

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